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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 13

February 20, 1996

No. 6

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Legislative Update--February 21, 1996

WEEK IN REVIEW

HOUSE

Judicial elections were held Wednesday, February 14th. The Honorable Jean H. Toal was re-elected to serve on the State Supreme Court. Sam Stilwell, Tom Huff, and Ralph King Anderson, Jr. were chosen to serve on the State Court of Appeals. John Kittredge, James Brogdon, Jr., John Breedon, Jr., and Howard King were elected to the Circuit Court. Those chosen as Family Court judges were Deadra Jefferson, Robert Jenkins, H.T. Abbott, III, James A. Spruill, III, Walter B. Brown, and Alvin Johnson. Ralph King Anderson, III won the Administrative Law Judge seat.

In floor action, Representatives concurred with Senate amendments to two measures last week. **H. 3132** provides that a person may not be required to serve as a juror more than once every three years; however, he may do so more often if he chooses. **H. 3486** provides that fraudulent check laws apply to checks written to cover pre-existing debt from a revolving credit account. These bills have been enrolled for ratification, as has **H.3307** concerning the State Board of Podiatry. Earlier in the week, representatives refused to concur with Senate amendments to the measure in order to add a technical amendment which Governor David Beasley had requested. The bill then was sent back to the Senate for concurrence which it received.

Several bills received third reading and went to the Senate for consideration. **H.3131** repeals the indexing of personal service contracts with the Office of the Register of Mesne Conveyance or the Clerk of Court. Apparently this is rarely done since no known Clerk of Court maintains such an index. **H. 3536** makes explicit in statutory law that a driver and/or owner who works with a motor carrier as an independent carrier is not considered an employee of that motor carrier for purposes of worker's compensation under the motor carrier. **H. 4360** requires that real property tax bills contain statements of the preceding year's taxes listed by categories. Included in the bill is a provision insuring that this requirement would not become an unfunded mandate to local governments. **H. 4493** provides that annual limits on the burning of infectious waste apply equally to all incinerators, even hospitals and non-profit facilities which currently are exempted from these limits.

Debate stalled on a couple of other measures. Discussion of **H. 4492** was postponed until Tuesday, February 20th. The bill limits taxing authority of local governments by prohibiting them from imposing taxes, charges, or fees without prior authorization of the General Assembly. However, the restriction would not apply to taxes, charges, or fees adopted before December 31, 1995. The measure is designed to counteract a State Supreme Court decision which many believe grant cities and counties wide-ranging powers to levy new taxes. **H. 3062** was placed on the contested calendar for second reading. The bill prohibits seated legislators from being elected by the General Assembly to a salaried office or position. Under the measure's provisions, a lawmaker first must resign his seat before filing. Representatives tabled an amendment by the Judiciary Committee. Voting on an amendment requiring an eighteen month waiting period before filing was interrupted.

The House voted to continue **H. 4402** regarding the Commission on Minority Affairs. This joint resolution authorizes the Commission to receive public and private funds for research, forums, and training purposes. The measure also provides that these funds could be carried forward into next fiscal year and used for the same purposes. Although a motion was made to reconsider the vote to continue the joint resolution, the reconsideration vote has not been taken yet.

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A conference committee was appointed for **S. 275** which prohibits the use of airboats on the Waccamaw, Great Pee Dee, Little Pee Dee, Black and Sampit Rivers in Georgetown and Horry Counties during waterfowl hunting season. House conferees are Bill Riser, Paula Thomas, and Billy Witherspoon.

Dr. Victor Reis and other officials from the U.S. Department of Energy advised Representatives about proposed plans to build a new tritium reactor at the Savannah River Site (SRS). The tritium produced would replace decaying stockpiles in order to maintain the nation's military deterrence to nuclear war. Additional reserves for this purpose will be needed by 2005. Construction of the reactor is anticipated to begin in five years and to be completed by 2007. It will employ over 4200 people and cost about \$3 billion dollars. Officials also suggested that for every job created at SRS, two other jobs would be created in the community by spin-off industries supplying the project. When construction is completed, 625 new jobs will be created at SRS to operate the reactor. Representatives were advised that educational and training programs, as well as highly technical research activities, will need to be implemented and enhanced even before ground is broken for the reactor to provide qualified employees.

SENATE

Several bills received third reading in the Senate last week. **S. 799** provides that magistrate and municipal courts have concurrent jurisdiction with family courts concerning violations of litter laws by juveniles. **S. 949** permits certain students to take the Education Entrance Examination (EEE) for a fourth time until December 1, 1996. **S. 991** deletes references to the "Division of Motor Vehicles" in the "Omnibus Insurance Fraud and Reporting Immunity Act." **S. 996** authorizes lifting a ban on using special tax incentives to develop vacant agricultural land. The bill deletes language specifying the land or real property must not have been used for commercial or agricultural purposes within five years prior to the designation of the redevelopment project area. Supporters of the measure say the ban unfairly hurts development of rural areas. **S. 1044** requires that insurers in this state maintain risk-based capital. Current statutory capital and surplus requirements are the same regardless of risks undertaken by insurers. The measure enacts formulas which can be used by the Department of Insurance to trigger needed regulatory actions for insurers with weak or deteriorating finances. The proposed legislation is needed for continued accreditation of insurers in South Carolina.

Senators also gave third reading to two House-sponsored measures which then were sent back to that chamber for concurrence on amendments. **H. 3204** eliminates the exception allowing a person to bring a civil action against a law enforcement officer for a disability incurred during an attempted escape when that person is imprisoned on a criminal or civil charge or in execution under the sentence of a criminal court for a term less than his natural life. **H. 3954** provides for specific findings that must be made to allow a nonresident to adopt a child in South Carolina.

Second reading was given to several other bills. **S. 409** provides liability immunity for kayaking and canoeing resulting from the inherent risk of the activities. **S. 1118** deletes current provisions for distributing revenue from the Educational Assistance Endowment Fund from fiscal year 1995-96. The measure deletes specific dollar amounts going toward higher educational scholarship grants and instead provides that the revenue be distributed on a seventy/thirty per cent basis for Public Schools Facilities Assistance and Higher Educational Scholarship Grants respectively. **H. 3101** requires that child support must be paid when a child who is between

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eighteen and nineteen years old is still in high school and making progress toward graduation. **H. 3544** requires a minimum of four units in math and three in science for high school graduation. Currently three math units and two science units are required.

A conference committee was appointed for **S. 275** restricting the use of airboats on the Waccamaw, Great Pee Dee, Little Pee Dee, Black and Sampit Rivers in Georgetown and Horry Counties during waterfowl hunting season. Senate conferees are Dick Elliott, Luke Rankin and Greg Smith.

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COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

While the full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet last week, the Wildlife Subcommittee reported favorably on four bills. **H. 4335** authorizes individuals and corporations with proper permitting to import shellfish into the state for commercial purposes. Provisions which may be included in the permit are kind and placement of shellfish, testing of shellfish for disease, and any needed cleanup efforts. Permit violations are considered a misdemeanor. Violators may be subject to a two hundred dollar (\$200) to five hundred dollar (\$500) fine and a thirty day sentence. In addition, they may be required to pay cleanup and corrective costs. **S. 596** revises renewal fees for permits to produce and sell hybrid striped bass. While the initial fee would remain one hundred dollars (\$100), renewal fees would be reduced to twenty-five dollars (\$25) as long as the application is made prior to expiration of the current permit. Otherwise the applicant must pay the full one hundred dollar (\$100) initial application fee again. **S. 597**, relating to hybrid striped bass, makes a technical change in the definition of processor to delete restaurants which prepare and serve bass on site. **S. 614** authorizes a person with a marine recreational fishing stamp, or exempted from holding one, to collect one-half bushel of clams as well as two bushels of oysters.

EDUCATION AND PUBLIC WORKS

The Primary and Secondary Education Subcommittee reconsidered two joint resolutions (**H. 3512** and **H. 3968**) to disapprove of two regulations proposed by the Department of Education (**R. 1713** and **R. 1765**, respectively). The subcommittee continues to disapprove of **R. 1713**, which requires certain school districts to carry out parenting/family literacy programs to support parents and guardians in their role as primary educator for their preschool children. The subcommittee recommended approval for **R. 1765**, which provides building specifications for relocatable classrooms.

JUDICIARY

Committee members reported favorably on several measures last week. **S. 27** provides that county legislative delegations may verify to the State Election Commission that an appointee to the county Commission of Election represents a certain political party rather than requiring that the State Election Commission verify that fact. Representatives also favored **S. 560**, which provides that a warrant may be issued by a mayor, recorder, judge, or other judicial officer of a municipality when the person charged with the violation is presently incarcerated in a jail or detention center of the county in which the municipality is located. Currently warrants must be issued by a magistrate. If the bill is adopted, the warrant would be served by law enforcement officers of that municipality with help from county law enforcement officers operating the jail or detention center. **S. 625** provides for the size of a poll watcher's badge and that the badge must not identify which candidate he represents. **H. 3230** prohibits an election official from being involved in any political campaign, either through endorsement or financial contribution. In addition,

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an election official would be prohibited from serving as a poll watcher or manager. **H. 4344** enables the court to require monetary restitution from a juvenile in the amount determined by the court. **H. 4409** provides for the type of instrument which may preclude the severance of the right of survivorship, by including an instrument in which a person makes a conveyance to himself and at least one other person, or in which two or more people make a conveyance to themselves and at least one other person. **H. 4472** would prevent frivolous post conviction relief lawsuits by inmates. The bill requires that inmates pay filing fees and court costs in civil actions. Also, an inmate may lose earned work, education, and good-time credits if the courts find, among other things, that the inmate made a claim solely for harassment, presented false evidence, unreasonably delayed a proceeding, or abused discovery in the case. If an inmate has had three cases dismissed for being frivolous, he would be barred from appealing or bring another suit. **H. 4501**, concerning the "Setoff Debt Collection Act," would exclude debts owed to a county hospital when the debtor and the hospital have entered into a written payment agreement which the debtor is fulfilling.

Also last week, the Constitutional Laws Subcommittee held a public hearing about affirmative action on Thursday, February 15th. Several people spoke of their support and concerns about **H. 3812** which provides for a voter referendum to amend the State Constitution. If approved the amendment would prohibit the state from using race, color, ethnicity, national origin or sex as a criterion for discriminating against or granting preferential treatment to individuals or groups. Subcommittee members will continue hearing testimony about affirmative action, however, the next meeting has not yet been scheduled.

LABOR, COMMERCE, AND INDUSTRY

Last week, The Life, Accident, and Health Insurance Subcommittee gave a favorable report to **H. 3326**, the "Medical Savings Account Act," after amending the bill so that it would be identical to **S. 331**, now pending in the Senate. As amended, **H. 3326** allows employers to offer their employees a medical savings account program. Any contributions to the savings account, any interest within the account, and any withdrawals from the account to reimburse the employee for eligible medical expenses would be exempt from state taxation. Also, any contributions which an employer makes to the accounts would be tax deductible as a business expense. Proponents contend that medical savings accounts would free employers to obtain for their employees less expensive health insurance policies with higher deductibles, passing on some of the savings to the employees in the form of contributions to the medical savings accounts. Employees could draw upon their medical savings accounts to reimburse themselves for medical expenses which they would have to pay "out of pocket" under the higher deductibles of the more cost effective insurance policies. Since employees may, at the end of the year, withdraw what remains in their medical savings account, employees have more incentive to shop wisely for health care.

The subcommittee also reported favorably on **H. 4444**, which exempts those who sell pre-paid legal insurance from the pre-licensing and continuing education required of other sellers of insurance. Prepaid legal insurance allows the purchaser to pay a premium to cover the cost of certain legal services provided at a future date.

The Property and Casualty Insurance Subcommittee gave a favorable report to **H. 4497**, which allows the state's insurance companies to pass the National Association of Insurance Commissioners' accreditation process. The bill substitutes for the current state requirement on capital and surplus the NAIC risk based capital formula. NAIC accreditation is crucial for South Carolina insurers which transact business in other states. The subcommittee also reported

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favorably on **H. 4544**, which allows insurance companies to reproduce records (by photographing, microfilming, digitizing, etc.) and substitute these reproductions for originals for use in courts and the proceedings of administrative agencies. Lastly, the subcommittee recommended that **H. 3124**, a bill establishing a voucher system for mandatory driver training, be tabled in favor of a similar voucher system proposed under **H. 4376**. Debate was adjourned on **H. 4376** for one week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee passed out an amended **S. 598**, which allows the Board of Dentistry, in the course of investigating misconduct, to require a licensee, registrant, or applicant to submit to a mental or physical examination if it has been alleged that the person is incompetent to practice by reason of physical or mental illness, alcoholism, or substance abuse. The bill also adds as a grounds for disciplinary action, the inappropriate prescription or administration of drugs by a dentist, dental hygienist, or dental technician. In addition, the committee gave a favorable report to an amended **H. 4354**, which allows a reserve police officer to be in proximate contact (i.e. via radio contact) with a full-time certified police officer, in place of the current requirement that the reserve officer be accompanied at all times by the certified officer.

The Subcommittee on Social Services, Mental Health, and Children's Affairs reported favorably on **S. 599**, which allows the South Carolina Protection and Advocacy System for the Handicapped to change its name to the South Carolina Protection and Advocacy System for People with Disabilities. The SCP&A board voted for this new name so as to better reflect their constituency. The subcommittee also reported favorably on **R. 1863**, a regulation promulgated by the Department of Social Services to provide standards for licensing and operating Supervised Independent Living programs for foster children between the ages of sixteen and twenty-one.

WAYS AND MEANS

The Ways and Means Committee endorsed a \$4.4 billion dollar budget for fiscal year 1996-1997 which does not include any general tax or fee increases. The spending plan provides \$112 million dollars in additional education funding over this fiscal year. The budget would fully fund the Education Finance Act (EFA) using an inflation factor of four and one half per cent. Base student cost would increase from \$1684 to \$1760, and weighted pupil units would rise by 5,000 to 765,000. Education Improvement Act (EIA) funds would be increased by \$21 million dollars. School districts would divide \$41 million dollars in block grants if they meet requirements of the Education Accountability Act. This would allow districts to determine how the money would be spent best. The Department of Education currently is reviewing its regulations to see which are no longer needed in order to give school districts more control over their own programs in response to requests from school districts for less regulation and more freedom for self-determination. While the Educational Accountability Act will be included in the Budget, separate legislation (**H.4597**) has been introduced and referred to the House Education and Public Works Committee for full debate in the General Assembly.

Of the revenue from low level radioactive waste disposal fees, \$70 million dollars would be sent to school districts to pay for constructing or renovating buildings according to a formula

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based sixty per cent on a district's per pupil basis and forty per cent on the Education Finance Act (EFA) funding formula. \$12.3 million dollars would be used to provide \$2,000 need-based grants to about 6,150 students. An additional \$5.4 million dollars in tuition grants and Palmetto Scholarships would be available for students attending private colleges. \$12.3 million dollars would fund merit scholarships for about 2,450 students. Another \$12 million dollars in new higher education funding would be tied to performance criteria. In addition, school districts would be required to take bids on privatizing their school bus transportation.

Teachers and school bus drivers would receive a 3.4% pay raise. This would maintain the southeastern teacher pay average of \$32,668. State employees making less than \$25,000 a year would receive a 4% pay raise. Those making more would be eligible for merit increases of up to a 4% merit raise from agency savings when proposed by their supervisors.

Other measures included in the budget are \$10 million dollars to allow a penny decrease in soft drink tax on a six-pack, and a five year phase in of a manufacturing depreciation break to the same level as other businesses. Another provision would raise the tax exemption parents claim for having a child under six years old from \$3550 to \$4100. Also, beginning in June 1997, the penny gas tax which now goes into the General Fund would be shifted over a two year period to the Department of Transportation (DOT) instead to provide an additional \$20.2 million dollars for the maintenance program for state roads.

What is not included in the budget is money for additional property tax relief. The committee voted to maintain the current homestead exemption of \$100,000, rather than raise the exemption since an additional \$25 million dollars over last year was needed just to maintain the current exemption. Governor David Beasley had proposed increasing the exemption to \$125,000, affecting eleven per cent of homeowners. However, Committee members did recommend increasing the amount of recurring revenue by \$38.8 million dollars. Thus \$156.3 million dollars rather than \$117.5 million dollars of recurring revenue would be used to fund property tax relief. Overall the total relief package would be \$220.3 million dollars.

Since property tax relief was enacted, forty-nine local governments have increased their tax rates. To curb this trend, a major provision in the budget places a taxing cap on local government and state government. The measure would require that taxes or fees could not be raised without a super majority two-third's vote. However, only a slightly smaller three-fifth's vote would be needed to raise taxes or fees to keep up with inflation. Tax or fee increases to cover expenses from a natural disaster, to comply with a court order, or to offset the prior year's deficit would be exempted from the super majority vote.

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BILLS INTRODUCED

The following is a brief overview of some of the bills introduced in the House last week. Bill summaries are listed in numeric order according to committee assignments.

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H. 4591 STRIPED BASS FISHING Rep. Witherspoon

The bill adds certain areas of the Lower Saluda, Broad, and Cooper Rivers, reservoirs, and tributaries where taking striped bass less than twenty-one inches would be prohibited.

H. 4592 STRIPED AND WHITE BASS FISHING Rep. Witherspoon

The moratorium on taking striped and white bass near the mouth of the Savannah River upstream to New Savannah Bluff Lock Dam would be extended from July 1, 1996 to July 1, 2001 under this measure.

H. 4594 FISHING/HUNTING/TRAPPING LICENSES Rep. Witherspoon

This is a technical rewriting of hunting, fishing, and trapping license provisions revising current law to provide a uniform system of licensing. It also provides for hunter education programs, and to provide for the disbursal of revenue from licenses and permits. Under provisions of the measure, a nonresident owning or operating a shad net on the Savannah River must obtain a one hundred dollar (\$100) annual license. Those without a license are guilty of a misdemeanor and are subject to a twenty-five to one hundred dollar (\$25-\$100) fine or imprisonment of not more than thirty days.

H. 4603 ANTLERED DEER HUNTING IN GAME ZONE 4 Rep. McCraw

The measure establishes August 15th through January 1st as open season in Game Zone 4 for hunting antlered deer with a bow and arrow.

H. 4608 SOLID WASTE COLLECTION Rep. Sharpe

Joint agencies would be authorized by this bill to contract for collection, transfer, and/or disposal of solid waste and resulting recovery of resources, including energy. The measure requires that each governing body contracting with the joint agency for services must approve projects financed by bonds. It also provides for payments and delinquencies.

H. 4624 OPEN BURNING/CAMPFIRES Rep. McKay

This bill authorizes open burning of yard debris only under certain conditions. The measure also authorizes campfires only for recreational purposes or human warmth.

EDUCATION AND PUBLIC WORKS

H. 4597 "SOUTH CAROLINA SCHOOL ACCOUNTABILITY ACT OF 1996" Rep. Harrell

This bill requires: (1) The State Board of Education to repeal all regulations pertaining to issues which might be better decided by local school board policies; (2) the setting of benchmarks for use in rating the success of public schools and determining certain rewards or corrective actions to prompt improvement; (3) a joint committee review of and proposed revision for the Education

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Finance Act Foundation Program; (4) distribution of certain Education Improvement Act monies to districts as innovation funds; (5) independent audits for district expenses; (6) the non-partisan election of school board members; (7) orientation programs for newly-elected school board members; (8) a prohibition on paying a school trustee as an employee within the school's district.

H. 4607 BUSINESS-EDUCATION PARTNERSHIP FOR EXCELLENCE Rep. Townsend

This bill adds to the membership of the Business-Education Partnership for Excellence the Chairmen of the House Education and Public Works Committee and Senate Education Committee, or their designees.

S. 606 "SCHOOL HEALTH ACT" Sen. Short

This bill establishes a pre-school health assessment as a prerequisite for attending kindergarten or first grade. Also, each school district must work with the Department of Health and Environmental Control to establish school-based health services under the direction of a School Health Planning Committee.

H. 4629 "RELIGIOUS RIGHTS OF STUDENTS ACT" Rep. Davenport

This bill enumerates certain religious rights of public school students and requires that the first violation of any of these rights by an employee result in a written reprimand. Subsequent interference would result in the termination of the employee.

H. 4630 "RIGHT TO STUDENT PRAYER ACT" Rep. Davenport

This bill authorizes student-initiated, voluntary prayer at school activities and events. Penalties are provided for interference in such prayer by teachers or administrators.

H. 4632 TEXTBOOK APPROVAL Rep. Loftis

This bill requires the State Board of Education to add to the statewide list of approved textbooks any textbooks requested in writing by: (1) the superintendents of two or more school districts; (2) ten or more teachers from at least five different school districts who teach in the subject area encompassed by the requested textbook.

S. 949 EDUCATION ENTRANCE EXAM GRACE PERIOD Sen. Hayes

This Joint Resolution permits certain students to retake part or all of the Education Entrance Exam for a fourth time. Students in teacher preparation programs had enjoyed a fourth attempt at the exam under a budget proviso; some of these students were in the process of qualifying for a fourth attempt when the proviso was not included in the 1995-96 general appropriations act.

H. 4637 HIGHER EDUCATION RESTRUCTURING Rep. Townsend

This bill revises the responsibilities of the Commission on Higher Education to ensure that the state system of higher education and individual types of institutions adhere to specific mission statements. Criteria measuring academic quality will be developed and used to prioritize funding and capital improvements for individual institutions. The Commission will be empowered to reduce, expand, consolidate, or eliminate institutions based upon their performance indicators.

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JUDICIARY

H.4610 FREEHOLDER DEFINITION Rep. L. Whipper

Concerning annexation, this measure expands the definition of "freeholder" to include a person who, for a five year period, has owned and occupied residential property which he currently owns.

H. 4614 "CHILDREN'S CODE REFORM ACT" Rep. Kelley

Currently this is a skeleton bill to enact the "Children's Code Reform Act." Details will be added after the Judiciary Committee determines what to include in the measure.

H. 4623 PRETRIAL INTERVENTION PROGRAM Rep. Jaskwhich

This measure prohibits a person charged with committing or attempting to commit a lewd act on a child under fourteen years old from being considered for pretrial intervention.

H. 4628 "PARENTAL RIGHTS AND RESPONSIBILITIES ACT" Rep. Davenport

The bill establishes the rights of parents in directing the upbringing of their children. It also prohibits the state from interfering in these rights, and provides for attorneys' fees in lawsuits where the parents prevail.

H. 4634 PUBLICATION OF VACANCIES Rep. Stuart

The Secretary of State would be required under this measure to determine when vacancies will occur in all elected or appointed state boards, commissions, and judicial offices. He then would be responsible for publicizing the vacancies.

H. 4636 DUI'S INVOLVING DEATH Rep. Gamble

The bill provides that a person convicted of driving under the influence in which a death occurs may apply for a special restricted driver's license only after the mandatory license suspension period has expired and he had completed his sentence. The special restricted license would limit driving to work and church only.

H. 4683 PARENTAL RIGHTS Rep. Jennings

This measure deletes alcohol or drug addiction, mental deficiency or illness, and extreme physical incapacity as grounds for termination of parental rights.

S. 144 VOTER REGISTRATION BOARDS Sen. McConnell

Under this proposed legislation, voter registration boards would not have to be located at the county seat when it is not practicable to do so.

S. 799 JUVENILE VIOLATIONS OF LITTER LAWS Sen. Bryan

This bill provides that magistrate and municipal courts have concurrent jurisdiction with family courts in cases of litter law violations by juveniles.

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LABOR, COMMERCE, AND INDUSTRY

H. 4593 "CONSUMER FREEDOM OF CHOICE IN MOTOR VEHICLE INSURANCE ACT"

Rep. Meacham

This bill proposes a battery of diverse revisions to automobile insurance law. Notably, the bill abolishes the Reinsurance Facility in favor of a Joint Underwriting Association and increases from two to four the number of rates an automobile insurer is required to offer (i.e. "preferred," "standard," "nonpreferred," and "substandard" rates).

H. 4598 GENERATION OF ELECTRICITY FOR ONE'S OWN USE Rep. Herdklotz

This bill specifies that the term "electrical utility" does not include individuals, corporations, limited liability corporations, and municipalities which furnish electricity for their own use, alone.

H. 4599 FURNISHING STEAM Rep. Herdklotz

This bill specifies that the term "public utility" does not include corporations or persons who furnish steam for purposes other than residential home heating.

S. 267 ATTORNEY FEES IN MORTGAGE FORECLOSURES Sen. Passailaigue

This bill requires that attorney fees in mortgage foreclosures may not be set by contractual provision as a percentage of the balance due upon default of a mortgage or note. Instead, the court must determine whether attorney fees are reasonable, or the parties to a foreclosure action must, themselves, agree upon attorney fees.

H. 4620 SALE OF PROPERTY AT LAKES MARION AND MOULTRIE Rep. Harvin

This joint resolution calls upon the Public Service Commission to report to the General Assembly on the proposed sale of real property it now leases at Lakes Marion and Moultrie. The report must include recommendations for conducting the sale with an eye to minimizing the displacement and relocation of the current leaseholders of the Marion and Moultrie properties.

H. 4621 WRITTEN NOTICE REQUIREMENTS FOR AUTO INSURANCE Rep. G. Brown

This bill requires an automobile insurer to provide to its insured prior written notice of the intention to pay a claim of another person under the policy covering the insured.

H. 4627 STANDARDS FOR LICENSING AND REGULATING PROFESSIONS Rep. Cato

This bill creates a new chapter in the code specifying the general powers and duties of occupational licensing boards under the Department of Labor, Licensing and Regulation. The chapter sets standards for determining the circumstances which justify the state's licensing and regulating a profession.

S. 1044 RISK BASED CAPITAL FOR INSURERS Sen. McConnell

This bill would allow the state's insurance companies to pass the National Association of Insurance Commissioners' accreditation process by substituting for the current state requirement on capital and surplus the NAIC risk based capital formula.

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MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H. 4613 "YOUTH MENTOR ACT" Rep. J. Brown

This bill requires the Attorney General's office to create a Youth Mentor Program consisting of church and community components. Participation in the Youth Mentor Program may be required as a pre-trial diversion option by a solicitor or as an alternative disposition of a case by a family court judge.

WAYS AND MEANS

H. 4612 HOMESTEAD EXEMPTION Rep. Witherspoon

This measure allows a person sixty-five years of age or older, or a person who is permanently and totally disabled to claim a homestead exemption for a year in which the person relocates. It also provides for adjusting tax due on the former residence.

H. 4622 JUDGMENT LIENS ON INCOME TAX Rep. Harrell

This bill prohibits other states or political subdivisions in other states from attaching a lien on property in this state owned by a South Carolinian, for failure to pay income tax on retirement benefits owed to that state or political subdivision.

H. 4631 TAX EXEMPTION FOR LAUNDRY SERVICES Rep. Wilkes

The bill provides that coin-operated laundries, dry-cleaning, dyeing and pressing services beginning July 1, 1997 would be exempted from having to collect state sales tax.

S. 996 VACANT LAND DEFINITION Sen. V. Smith

The measure revises the definition of vacant land as relating to tax increment financing for redevelopment projects. The bill deletes language specifying the land or real property must not have been used for commercial or agricultural purposes within five years prior to the designation of the redevelopment project area. Supporters of this bill say rural areas have been hurt unfairly by a ban restricting the use of special tax incentives to promote development. This measure lifts that ban.

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FOOTNOTE

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," then typing "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, chose the Update corresponding to the week you need and press "enter."

Also, the Legislative Update can be found on the World Wide Web! Visit the South Carolina General Assembly Home Page (WWW.LPITR.STATE.SC.US) and click on the "Quick-Find Guide." On the next screen, click on "Reports." This will list all of the Legislative Updates by week. Click on the week you need.

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